Mr. Kottur Kunjukrishna Pillai: Sir, I read the report of the Public Accounts Committee with considerable shame, because I found from the report that the Committee met at 5 and dispersed at 5·25 and that among those who attended, two of the three non-official members were absent. Thanks to the member elected by this House, he alone was the sole representative of the non-official side for going through the items of expenditure for a year. Sir, that is the point of view that I have to present before the House, that we do not feel our responsibility, once we are elected to such an important Committee as the Public Accounts Committee, to discharge our functions. So, I stand up here today to inveigh against the irresponsibility exhibited by two of the non-official members elected to the Public Accounts Committee.

Mr. Kochikal P. Balakrishnan Tampi: I rise to a point of order. Is the honourable member in order in making a reflection that may be considered as derogatory to the dignity of the members of the other House?

Mr. Kottur Kunjukrishna Pillai: I am not talking of the members of the other House. I am talking of the members of the Public Accounts Committee whose report is under discussion. I thought my honourable friend would be able to understand that distinction.

President: The honourable member will proceed.

Mr. Kottur Kunjukrishna Pillai: Sir, the report, is very meagre and I am not surprised to find that with regard to the various irregularities that have been pointed out in the Audit Report, the Committee came to the conclusion that adequate steps have been taken. It is not for us now, Sir, to say, after having discharged our responsibility in the way it has been done, whether those steps have been adequate or not. I am not at that question. Therefore, after marking my disapprobation of the way in which the non-official side of the Public Accounts Committee chose to exercise the very valuable right conferred on us by Statute, I take my seat.

LEGISLATIVE BUSINESS.

THE TRAVANCORE MAINTENANCE ORDERS ENFORCEMENT BILL.

Mr. Puthupally S. Krishna Pillai: Sir, I beg to move that the Travancore Maintenance Orders Enforcement Bill, as passed by the Assembly, be taken into consideration. I may be permitted, Sir, to explain briefly the object underlying this piece of legislation. Under the existing law, maintenance order passed by the Travancore Courts cannot be enforced in any place outside

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Travancore. Similarly, maintenance orders passed outside Travancore are not enforcible in Travancore. So far as decrees are concerned, it is possible under existing arrangements to execute decrees passed by Indian States in British India and to execute decrees passed by British India in Indian States.

Mr. M. K. Ananthasiva Aiyar (*Nominated*): May I know whether there is not some restriction in regard to decrees to be executed outside?

Mr. Puthupalli S. Krishna Pillai: There is some restriction. But, in regard to maintenance orders there is no restriction because they cannot under any circumstance be executed. It was therefore decided —it is not a question which was decided here but at an Imperial Conference —that for the protection of deserted wives and children there must be a reciprocal arrangement under which such orders made in one country could be executed or enforced in another country where the deserter lives. Appropriate legislation was therefore undertaken by Great Britain and subsequently by all the participating countries. Statutes X and XI Geo. V. C. XXXIII is the British Act. Act XXVIII of 1921 is the corresponding British Indian Act. Some Indian States have also undertaken legislation in this matter. Therefore this Bill was published and introduced in the other Chamber nearly two years ago. Sir, this is a legislation which we are badly in need of, intended for the protection of the helpless, of the people who deserve real aid and sympathy and this will cure a defect in the existing system. I move, Sir, that the Bill be considered.

Mr. A. Gopala Menon: I second it.

Mr. Kochikal P Balakrishnan Tampi: Sir, may I ask the Legal Remembrancer whether the provision in the Criminal Procedure Code to enhance or to reduce the rate of maintenance will be available in the case of enforcement of a foreign maintenance order in this State? I shall make myself more clear. Suppose a person gets a maintenance order in British India against her husband The husband comes to Travancore. She wants to enforce the order in Travancore. Under the Criminal Procedure Code, under certain conditions, the amount can be reduced or enhanced if the order is passed by the Travancore Courts. But when it is a foreign order and that has to be enforced in Travancore, could the counter-petitioner, the unfortunate husband be able to invoke the aid of those sections of the Criminal Procedure Code relating to the enforcement of foreign order in Travancore?

Mr. Puthupally S. Krishna Pillai: Sir, I am not able to follow the member's argument. But I may be permitted to state that maintenance orders fall into three different categories. A

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maintenance order may be passed by a court having jurisdiction over a person against whom the order is passed. For instance it may be passed against a Travancorean who is residing in British India. In that case an order that is passed by the British Indian Court having jurisdiction to pass the order will be an order which will be enforcible wherever he may go. Similarly, a British Indian who is staying in Travancore and against whom an order of maintenance is passed here, will be in an advantageous position because our courts are empowered to grant maintenance only to the extent of Rs. 50 whereas the British Indian courts are empowered to grant maintenance not exceeding Rs. 100. But nevertheless an order that is passed against him in Travancore would be the order that will be enforced. This emanates from the principles that the jurisdiction of courts is personal. It extends to the person who submits himself to the jurisdiction. Where an order is passed by a court having jurisdiction over a person, it is that order that will be enforced against him whether in British India or in England or the F. M. S. But take the case of a Travancorean who, afraid of a maintenance order, is running away to British India or to Ceylon or to the F. M. S. What is the order that will be passed against him? I think that that is the question raised by my learned friend.

Mr Kochikal P. Balakrishnan Tampi : No. I wanted to know whether the provision for enhancing or reducing the amount now available under the Criminal Procedure Code against a maintenance order passed in Travancore will also be available against an order passed by a foreign court and enforced in Travancore.

Mr. Puthupalli S. Krishna Pillai : It will be available. Where an order is passed by a court which has no jurisdiction to pass the order, such changes are liable to be made. There is clear provision for that in the Bill. But where the order is passed by a court which has jurisdiction, it is always open to the person against whom it is passed to apply to that court which passed the order to revise it and according to the law which binds such court.

The question that the Bill be taken into consideration was put and carried.

Clauses 1 to 12

The question that clauses 1 to 12 do stand part of the Bill was put and carried.

Clauses 1 to 12 were added to the Bill.

Preamble and Title.

The question that the Preamble and the Title do stand part of the Bill was put and carried.

The Preamble and the Title were added to the Bill.

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Mr. Puthupally S. Krishna Pillai. I beg to move that the Travancore Maintenance Orders Enforcement Bill be passed.

Mr. A. Gopala Menon: I second it.

The question was put and carried and the Bill was passed.

THE TRAVANCORE COMPANIES ACT (AMENDMENT) BILL.

Mr. Puthupalli S. Krishna Pillai: Sir, I move that the Travancore Companies Act (Amendment) Bill be taken into consideration. I may be permitted to explain briefly the objects and reasons of the Bill. Honourable members know that it was only recently that the Companies Act was enacted. That was in 1114. There are various new provisions in the Act and in the practical working of that Act various difficulties were noticed. In the first place certain expressions occurring in the English Act occurred in the new provisions that were introduced here, without corresponding changes in the schedules. Although that did not lead to any legal difficulty, in the ordinary day to day transaction questions are raised by those who have to conform to the new provisions. For instance, the schedule contaius the expression 'for filing with the Registrar any of the documents specified in the Act.' In some of the new provisions introduced in the main Act are found the following words—'such and such copies shall be forwarded to the Registrar'; 'such and such copies shall be sent to the Registrar.' The absence of these expressions in the schedule has led to various difficulties. Therefore in all places where the expression "send to" has been used the words "file with" has been substituted. That is the first important change introduced by this Bill.

Then there are certain new provisions for the filing of affidavits by registered associations. There have been certain difficulties in actual working. It is proposed to confer power on Government in order to exempt such associations as have been registered under Section 28, from the provisions relating to affidavits and sworn statements in support of balance sheet, accounts, etc.

The third important change proposed is in respect of the cash deposit required by the Act to be kept in cash by banking companies. That provision has been sought to be evaded by very clever and cunning devices. What the present Act requires is a guarantee that every banking concern has got a certain percentage of the current and fixed deposit in cash. It is a matter in respect of which we have had to rely on the integrity and honesty of the bank. It appears that some bankers are prepared to send reports that they have got such deposits. But there is no means of verifying the accuracy of those statements. It is therefore proposed as a means of guaranteeing such funds that a deposit in a Government Treasury

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will be treated in law as a cash deposit with the Bank. The idea is to make it available to all. The object is to enable the banks to work more efficiently and also to afford Government the means of enforcing properly the provision of Section 347.

There is also provision for the filing of three copies of the balance sheet. It may be asked why there should be three copies filed. One copy is intended for the Registrar, another for the Government and the third for the purpose of Indian Finance Statistics. The Reserve Bank of India is calling for the returns of the balance sheets of our banks just to ascertain how our banks are functioning in the financial world. When this demand was made on our bankers they failed to realise the importance of it. There is no provision, they say, in the Companies Act for forwarding more than one copy. Therefore they were not prepared to do so. The bankers may be sending hundreds of copies to shareholders, but they will not file even one additional copy with the Registrar. Government were put to the trouble of preparing typed copies of balance sheets for the simple reason that companies would not give one more copy. Therefore it is statutorily provided that three copies should be filed. I am quite sure this will not cause any inconvenience to our companies. These are some of the important provisions of the Bill ; the others are merely formal and are intended to correct certain apparent errors. I move that the Bill be taken into consideration.

Mr. A. Gopala Menon : I second it.

The question that the Bill be taken into consideration was then put and carried.

The question that Clauses 1 to 19, and the preamble and title of the Bill stand part of the Bill was then put and carried.

Mr. Puthupally S. Krishna Pillai : Sir, I move, that the Travancore Companies Act (Amendment) Bill be passed.

Mr. A. Gopala Menon : I second it.

The Bill was passed.

THE TRAVANCORE EXPLOSIVES BILL.

Mr. Puthupally S. Krishna Pillai : Sir, I move that the Travancore Explosives Bill be taken into consideration.

Mr. A. Gopala Menon : I second it.

President : So far as the further progress of the business is concerned I am entirely in the hands of the House. In regard to

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